

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MICHAEL SPRINGS,

Plaintiff,

vs.

CLARK COUNTY SHERIFF,

Defendant.

Case No. 2:07-cv-01476-RCJ-GWF

**FINDINGS AND
RECOMMENDATIONS**

On May 6, 2008, the Court issued Order (#13), which granted Plaintiff's request to amend his complaint to reflect the current address of the Defendant, and the Clerk of the Court sent notification to Plaintiff. However, on May 14, 2008, the notification regarding Plaintiff's order was returned undeliverable. *See* Document (#14). The Clerk of the Court re-mailed notification, and again, the notification was returned undeliverable. *See* Document (#15).

Pursuant to Local Rules of Special Proceedings and Appeals 2-2, "the plaintiff shall immediately file with the court written notification of any change of address. The notification must include proof of service upon each opposing party or the party's attorney. Failure to comply with this rule may result in dismissal of the action with prejudice." To date, Plaintiff has failed to inform the Court of a change in address. Accordingly,

IT IS HEREBY RECOMMENDED that Plaintiff's Civil Rights Complaint Pursuant to 42 U.S.C. § 1983 (#4) should be **dismissed** based on Plaintiff's failure to inform the Court of a change in address.

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NOTICE

Pursuant to Local Rule IB 3-2, any objection to this Finding and Recommendation must be in writing and filed with the Clerk of the Court within ten (10) days. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

DATED this 5th day of August, 2008.



GEORGE FOLEY, JR.
UNITED STATES MAGISTRATE JUDGE